

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

PATRICIA CARAGINE,

**CHAPTER 13**  
**CASE NO. 09-23797 (RDD)**

Debtors.

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**ORDER HOLDING MORTGAGEE IN CONTEMPT OF LOSS  
MITIGATION ORDER AND AWARDING  
DEBTOR HER ATTORNEYS FEES**

The attorneys for the debtor in the above-referenced case (the “Debtor”), Genova & Mallin, having moved this Court for an Order to Show Cause directing WELLS FARGO FINANCIAL, INC. (“WELLS”) to appear at a Loss Mitigation conference on March 24, 2010 and for an order finding that WELLS is in contempt for its willful violation of the Loss Mitigation Order entered by this Court on December 9, 2009, and awarding the Debtor her costs, including reasonable attorneys' fees, costs and disbursements related to the instant Loss Mitigation as set forth in the Debtor's Application therefor, dated March 3, 2010 (the “Application”; and there being due notice of the Application and the Court's Order to Show Cause; and the Court having held the adjourned Loss Mitigation conference and a hearing on the Application on March 24, 2010 at which the Debtor and her counsel appeared and no representative of WELLS appeared; and, after due deliberation, the Court having found that the Debtor's counsel's fees and expenses as set forth herein were incurred as a result of WELLS' failure to comply with the Court's Loss Mitigation order and Order to Show Cause and are reasonable, and that WELLS' continued failure to comply with the foregoing orders has materially adversely affected the conduct of this Chapter 13 case; and good cause appearing, it is hereby

**ORDERED**, that WELLS, willfully violated the Court's Loss Mitigation Order entered on December 9, 2009; and it is further

**ORDERED**, that the Debtor is awarded the sum of TWO THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS AND NINETY-TWO CENTS (\$2,362.92) for attorneys fees and costs and disbursements as damages resulting from such contempt; and it is further

**ORDERED**, that WELLS will pay to the debtor's attorneys, Genova & Malin, the total sum of TWO THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS AND NINETY-TWO CENTS (\$2,362.92), on or before TEN (10) days after the Debtor's service of this Order upon WELLS; and it is further

**ORDERED**, that the Court may enter any additional order imposing upon WELLS other methods of enforcement as this Court may deem just and proper.

Dated: White Plains, New York  
March 31, 2010

/S/Robert D. Drain  
U.S. BANKRUPTCY JUDGE